

Regular Meeting
Thursday, January 29, 2015

Springview Government Center
3130 E. Main Street
Springfield, Ohio 45505

Mr. Don Wallace, Vice-Chairperson of the Board of Zoning Appeals, calls the meeting to order at 2:00 p.m.

Present: Mr. Don Wallace, Mr. Rick Smith, Mr. Kyle Powell and Mr. Dave Minard

Absent: Mr. Tim Greenwood and Mr. Jack Spurlock

Also Present: Mr. Allan Neimayer, Clark County Community Development, and other interested persons.

Vice-Chairperson Wallace asks if there are any comments regarding the December 18, 2014 minutes. Hearing none he asks for a motion.

BZA: 01-01-2015: Minutes ~ December 18, 2014

Motion by Mr. Minard, seconded by Mr. Smith, to **Approve** the minutes as presented.

VOTE: Yes: Mr. Minard, Mr. Smith, and Mr. Wallace

No: None

Abstain: Mr. Powell

Motion carries.

Vice-Chairperson Wallace explains how the meeting will be held. Everyone will need to sign in that will be speaking. Staff will present the report and the Board will ask questions to Staff. The proponents will be able to speak followed by the opponents. Everyone will be sworn in before they speak. Rebuttal by the Applicant will follow, if desired. Mr. Dave Minard will be a full voting member for this meeting.

Vice-Chairperson Wallace asks the Board if anyone needs to Abstain. Hearing none, Vice-Chairperson Wallace asks the Staff to present the first case.

BZA-2015-01: Variance Case ~ Property Owner/Applicant: Larry Chambers ~ Mad River Township ~ Located at 5793 S. Tecumseh Road

Mr. Neimayer stated that the subject property is located at 5793 S. Tecumseh Road in Mad River Township. The property is zoned A-1 (Agricultural District). The Applicant is requesting a variance to Chapter 8, Section B, 3, a) to construct a 24 ft. by 24 ft. (576 sq. ft.) detached garage in the front yard. That section of the zoning regulations requires detached garages to be in the side yard or rear yard. The submitted plot plan shows the proposed location of the garage. In addition to being in the front yard, the Applicant would like the garage to be set as close to the south lot line as possible. A detached garage in the side yard is required to have a 25 ft. setback from the side lot line. There will need to be some sort of setback at the Board's discretion and also considering maintenance of the garage.

Mr. Neimayer provided the Board with information on prior variance cases in this area of Mad River Township that are similar to the Applicants. One was a request for a detached garage in the front yard that was denied by the Board at that time. Another case at Fairfield Pike and Fowler Road was a request for a storage shed in the front yard on a corner lot which the Board approved.

Mr. Neimayer stated that the height of the proposed detached garage is approximately 18 feet. The maximum height allowed is 25 feet. The issues before the Board are allowing the structure in the front yard and the setback from the side lot line.

Mr. Powell asked who owns the side lot.

Mr. Neimayer stated that he did not have that information.

Vice-Chairperson Wallace asked if there were any further questions for Staff from the Board. There were none.

Vice-Chairperson Wallace opens this portion of the public hearing at 2:02 pm. and asked if anyone would like to speak in favor of the case.

Mr. Larry Chambers, Applicant whose address is 5793 S. Tecumseh Road, stated that he would like to build a detached garage. The way the property has been split off there is not a lot of room for it. The existing garage attached to the house has been remodeled on the inside by a previous owner and it is only a little over 17 feet long. There is no room to really park any kind of vehicle in it. The trucks that he owns will not fit inside.

Mr. Powell asked Mr. Neimayer to point out on the slide where the existing garage is.

Mr. Neimayer pointed out that the existing garage is right at the end of the drive.

Mr. Chambers stated that he would like to build a structure that would complement the property, possible the same kind of structure and would like to not impede the line of site for any of the neighbors. He would like it to be respectable to the neighborhood and at the same time have a place to park his cars and trucks.

Vice-Chairperson Wallace asked if anyone else would like to speak on behalf of the Application.

Mr. G. Michael Welch, whose mailing address is 844 Vernis Drive, Beavercreek, Ohio, stated that he owns the lot to the south of Mr. Chambers. His only concern is the amount of space that is allowed by the side lot line so that there is adequate space to access the structure and that it will not require any access from his property.

Vice-Chairperson Wallace asked if there were any further questions from the Board. There were none.

Vice-Chairperson Wallace closes this portion of the public hearing at 2:07 pm

Vice-Chairperson Wallace asked Mr. Neimayer to see an overhead of the surrounding properties in the area.

Mr. Neimayer presented slides showing properties to the south and to the north.

Vice-Chairperson Wallace asks if there are any further questions from the Board.

Mr. Powell asked what the Board can do because he does not feel the structure should butt up right to the property line. Can the Board say that there has to be a certain distance from the property line?

Mr. Neimayer stated that the Applicant realizes that there has to be some sort of separation as Mr. Welch testified for maintenance on the garage. The normal setback would be 10 feet if in the rear yard; 25 ft. if in the side yard. The Applicant would like to have less than ten feet and three feet would probably be adequate room. The other thing to keep in mind is that the roof top on this is going to change the storm water runoff to some extent.

**BZA: 01-02-2015: BZA 2015-01 ~ Variance Case ~ Property Owner/Applicant:
Larry Chambers ~ Mad River Township ~ Located at 5793 S. Tecumseh Road**

Motion by Mr. Powell, seconded by Mr. Minard, to **Reopen** the public hearing.

VOTE: Yes: Mr. Powell, Mr. Minard, Mr. Wallace and Mr. Smith.

No: None

Motion carries

Mr. Welch stated that there is a power pole that runs down between the properties and asked if there is a setback for the power lines to be concerned with. Mr. Welch stated that he is not objecting, he is just concerned because there is a hanging power line that runs down between the properties and was wondering if the electric company requires certain clearance.

Mr. Neimayer stated that there was a similar question last month about the sign at Northridge Bowling lanes. He asked Mr. Smith what the power companies look for.

Mr. Smith stated that they look for an average of ten feet.

Mr. Terry Shaffer stated that if the building was five feet or closer, the building code requires the walls (of the detached garage) to be fire rated.

Vice-Chairperson Wallace asked if there was any further discussion. Hearing none he re-closed the public hearing and asked for a motion.

**BZA: 01-03-2015: BZA 2015-01 ~ Variance Case ~ Property Owner/Applicant:
Larry Chambers ~ Mad River Township ~ Located at 5793 S. Tecumseh Road**

Motion by Mr. Powell to **Approve** the Variance with a 10 foot setback. The motion did not proceed due to lack of a second.

**BZA: 01-04-2015: BZA 2015-01 ~ Variance Case ~ Property Owner/Applicant:
Larry Chambers ~ Mad River Township ~ Located at 5793 S. Tecumseh Road**

Motion by Mr. Smith, seconded by Mr. Minard, to **Approve** the Variance request with a three foot setback.

VOTE: Yes: Mr. Smith, Mr. Minard and Mr. Powell.

No: None

Motion carries

STAFF COMMENTS

Mr. Neimayer stated the next scheduled meeting will be February 26, 2015.

ADJOURNMENT

Vice-Chairperson Wallace asks for a motion for adjournment.

BZA: 01-05-2015 ~ Adjournment

Motion by Mr. Minard, seconded by Mr. Smith, to adjourn the meeting.

VOTE: Motion carries unanimously.

The meeting was adjourned at 2:18 pm.

Don Wallace, Vice-Chairperson